

TAM:DBS:mel:2000V00753

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI,	:	
	:	
Plaintiff	:	Civil No. 1:CV-00-1449
	:	(Caldwell, J.)
v.	:	(Smyser, M.J.)
	:	
KATHLEEN HAWKES, et al., ,	:	Electronically Filed
	:	
Defendants	:	

**DEFENDANT'S CONSENT TO PROCEED**  
**UNDER 28 U.S.C. § 636(c) BEFORE A MAGISTRATE JUDGE**

This is a Bivens action brought by former inmate M. Ash-Sharief Al'Askari alleging Attorney Advisor Douglas Goldring violated his constitutional right of access to the courts. On April 29, 2003, Magistrate Judge Smyser issued a Case Management Order directing, in part, that counsel for defendant file either a consent form signed by all counsel and the plaintiff consenting to proceed under 28 U.S.C. § 636(c) before a magistrate judge, or a statement that there is not mutual consent to have a magistrate judge serve as the judge of the case.

On August 6, 2003, counsel for defendant sent Mr. Al'Askari a letter stating defendant's consent to proceed before a magistrate judge and enclosed an executed consent form for plaintiff's review. A copy of the letter is attached for the Court's convenience.

As of this date, Mr. Al'Askari has not returned an executed consent form nor has he contacted the undersigned to indicate that he does not consent to proceed before a magistrate judge.

Counsel for defendant does consent to proceed before a magistrate judge, however, because plaintiff has not returned an executed consent form, there is currently no mutual consent.

Respectfully submitted,

THOMAS A. MARINO  
United States Attorney

s/ D. Brian Simpson  
D. BRIAN SIMPSON  
Assistant U.S. Attorney  
Atty. I.D. No. OH 71431  
316 Federal Building  
240 West Third Street  
Williamsport, PA 17703  
Telephone: 717-221-4482  
Facsimile: 717-221-2246

Dated: August 25, 2003

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI,	:	
Plaintiff	:	Civil No. 1:CV-00-1449
	:	(Caldwell, J.)
v.	:	(Smyser, M.J.)
	:	
KATHLEEN HAWKES, et al., ,	:	Electronically Filed
Defendants	:	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That on August 25, 2003, she served a copy of the attached

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by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

M. Ash-Sharief Al'Askari  
5737 N. 12<sup>th</sup> Street  
Philadelphia, PA 19141

s/ Michele E. Lincalis  
MICHELE E. LINCALIS  
Paralegal Specialist